

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor.

Hon. Thomas J. Tucker

**STIPULATION FOR AN ORDER GRANTING CHARLES BARNES
AN ALLOWED UNSECURED CONVENIENCE CLAIM IN THE AMOUNT
OF \$25,000 AND FOR OTHER RELIEF**

The City of Detroit, Michigan (“City”), the Detroit Police Officers Association (“DPOA”) and Charles Barnes (“Barnes”) (collectively the “Parties”), by and through their undersigned counsel, hereby stipulate as follows:

WHEREAS, the Parties were parties to a grievance arbitration proceeding – DPOA Grievance No. 10-110 – involving a claim by DPOA member Barnes for reinstatement to employment and for other relief which culminated in a binding labor arbitration Opinion and Award dated November 6, 2012 pursuant to the collective bargaining agreement between the City and the DPOA (the “Barnes Claim”); and

WHEREAS, on July 18, 2013 (the “Petition Date”), the City commenced this case under chapter 9 of title 11 of the Bankruptcy Code, staying the DPOA’s enforcement of the Barnes Claim; and

WHEREAS, the Barnes Claim was included in Claim No. 1869, the omnibus protective claim filed by the DPOA on February 20, 2014 in order to preserve DPOA members' rights with regard to grievances filed by the DPOA on behalf of its members;

WHEREAS, on October 1, 2014, the City and the DPOA entered into a collective bargaining agreement (the "DPOA CBA");

WHEREAS, on October 22, 2014, the City filed the Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (October 22, 2014) [Doc. No. 8045] ("Plan"), which Plan incorporated the DPOA CBA and became effective on December 10, 2014 ("Effective Date"); and

WHEREAS, the Parties believe that a consensual resolution of the Barnes Claim is in the best interest of the Parties;

WHEREAS, the material terms of the Parties' resolution are set forth on Exhibit B and are further memorialized in the Order attached hereto as Exhibit A;

NOW THEREFORE, the Parties consent to the entry of the Order attached hereto as Exhibit A, (i) granting Barnes a Class 15 Convenience Claim under the Plan in the amount of \$25,000 ("Settled Claim") and (ii) crediting Barnes with 24 sick days to his sick leave bank (the "Banked Sick Leave") in order to resolve all of Barnes' and the DPOA's claims against the City arising out of the Barnes Claim. The Parties agree that, except for the relief granted herein, the City is released of any

further obligation to Barnes or the DPOA arising out of the Barnes Claim. The Parties further agree (a) that the Settled Claim shall be treated in accordance with Class 15 of the Plan, (b) the distribution on the Settled Claim will be paid to Barnes in care of the DPOA, (c) the City will credit Barnes' sick leave bank with 24 sick days (the "Restored Banked Sick Leave,") and (d) DPOA Claim No. 1869 will be modified to withdraw the Barnes Claim, which will be replaced by the Settled Claim and the Restored Banked Sick Leave.

STIPULATED AND AGREED:

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EXHIBIT A

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**ORDER GRANTING CHARLES BARNES AN ALLOWED UNSECURED
CONVENIENCE CLAIM IN THE AMOUNT OF \$25,000 AND FOR
OTHER RELIEF**

This matter is before the Court on the Stipulation for Entry of an Order Granting Charles Barnes an Allowed Unsecured Convenience Claim in the Amount of \$25,000 and for Other Relief (the “Stipulation”)¹ filed by the City of Detroit (“City”), and the Detroit Police Officers Association (“DPOA”) and Charles Barnes (“Barnes”). The Court has reviewed the Stipulation and Exhibit B thereto, is otherwise fully advised in the premises and finds just cause for the relief granted herein:

¹ Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Stipulation.

THEREFORE, IT IS HEREBY ORDERED that Barnes is granted an allowed Convenience Claim under the Plan in the amount of \$25,000, which shall be treated in accordance with Class 15 of the Plan (“Settled Claim”).

IT IS FURTHER ORDERED that the distribution on the Allowed Claim will be paid to Barnes in care of the DPOA.

IT IS FURTHER ORDERED that Barnes will be promptly credited with 24 sick days to his sick leave bank (the “Restored Banked Sick Leave”).

IT IS FURTHER ORDERED that DPOA Claim No. 1869 is modified to withdraw the Barnes Claim.

IT IS FURTHER ORDERED that, except for the relief granted by this Order, all of Barnes’ and the DPOA’s Claims against the City arising from or related to the Barnes Claim are hereby released and resolved.